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Amendment and Response
Applicant: Douglas Edward Wochler
Serial No.: 10/685,364
Filed: October 14, 2003
Docket No.: C283.101.102
Title: LOCATION SYSTEM

REMARKS

The following remarks are made in response to the Final Office Action mailed February 2, 2007. Claims 16-29 and 47-59 have been withdrawn from consideration. Claims 1-15, 30-46 and 60-63 were rejected. With this Response, claims 3, 4, 30, and 32 have been amended. Claims 1-15, 30-46, and 60-63 remain pending in the application and are presented for reconsideration and allowance.

Claim Objections

The examiner objected to claims 3 and 32 because of minor informalities related to the misspelling of the word "closest." With this response, such misspellings have been corrected. As such, Applicant respectfully requests that the objections to claims 3 and 32 be withdrawn.

Claim Rejections under 35 U.S.C. § 112

Claims 4-11 and 30-46 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With this response, the language "adapted to" of claims 4 and 30 has been amended to read "configured to", similar to the language of claim 1.

As such, Applicant respectfully requests that the rejection of claims 4 and 30 under 35 U.S.C. 112, second paragraph, be withdrawn. Additionally, since claims 5-11 depend directly or indirectly from claim 4, and claims 31-46 depend directly or indirectly from claim 30, Applicant respectfully requests that the rejection of claims 5-11 and 31-46 under 35 U.S.C. 112, second paragraph, be withdrawn as well.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-15, 30-46 and 60-63 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mallet et al. U.S. Patent No. 6,920,390 ("Mallet") in view of Runnels U.S. Patent No. 4,527,158 ("Runnels") and Giannopoulos et al. U.S. Publication No. 2003/0125868 ("Giannopoulos").

Under 35 U.S.C. 35 U.S.C. § 103(a), a cited reference can be removed as prior art if the date of invention of pending application predates the prior art date of the cited reference.

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Here, the earliest prior art date for Mallet is the May 18, 2001, filing date of U.S. Provisional Application No. 60/291,644 to which Mallet claims benefit, and the earliest prior art date for Giannopoulos is its filing date of December 27, 2001.

With this Response, Applicant is filing herewith a Declaration under 37 C.F.R. 1.131 to swear behind both the earliest prior art date of May 18, 2001, for Mallet and the earliest prior art date of December 27, 2001 for Giannopoulos. As such, based on the Declaration under 37 C.F.R. 1.131, Applicant respectfully requests that both Mallet and Giannopoulos be removed as prior art under 35 U.S.C. § 103(a). With the removal of Mallet and Giannopoulos as prior art under 35 U.S.C. § 103(a), Applicant submits that the rejection of claims 1-15, 30-46 and 60-63 under 35 U.S.C. § 103(a) as being over Mallet in view of Runnels and Giannopoulos no longer apply.

As such, Applicant respectfully requests that the rejection of claims 1-15, 30-46 and 60-63 under 35 U.S.C. § 103(a) be withdrawn and that claims 1-15, 30-46 and 60-63 be allowed.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-15, 30-46 and 60-63 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-15, 30-46, and 60-63 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

Dicke, Billig & Czaja
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402

Respectfully submitted,

Douglas Edward Woehler,

By their attorneys,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-2002
Facsimile: (612) 573-2005

Date: May 2, 2007
SED:cms

Steven E. Dicke
Steven E. Dicke
Reg. No. 38,431

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted via facsimile to Facsimile No. (571) 273-8300 on this 2nd day of May, 2007.

By: Steven E. Dicke

Name: Steven E. Dicke